

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

QUINTEZ TALLEY	:	CIVIL ACTION
	:	
v.	:	
PA. DEPT. OF CORRECTIONS, Et Al,	:	
C/O B. DAVIS, C/O E. HODRICH, C/O	:	
LAIUVARA, C/OT. JUNG, LISA DURAND,	:	
J. YODIS and UNKNOWN PRC	:	NO. 18-5087

ORDER

NOW, this 12th day of December, 2018, upon consideration of *pro se* plaintiff Quintez Talley's Motion to Proceed *In Forma Pauperis* (Document No. 1), his Prisoner Trust Fund Account Statement, and his *pro se* Complaint (Document No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**;
2. Plaintiff Quintez Talley, #KT-5091, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Talley, an initial partial filing fee of **\$87.27** is assessed. The Superintendent or other appropriate official at SCI Fayette or at any other prison at which Talley may be incarcerated is directed to deduct **\$87.27** from Talley's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to **Civil Action No. 18-5087**. In each succeeding month when the amount in Talley's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Talley's inmate trust fund

account until the fees are paid. Each payment shall reference the docket number for this case, **Civil Action No. 18-5087**;

3. The Clerk of Court is **DIRECTED** to send a copy of this order to the Superintendent of SCI-Fayette;

4. The Complaint is deemed filed;

5. Pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), the complaint is **DISMISSED** without prejudice;

6. Talley is granted leave to file an amended complaint within thirty (30) days of the date of this Order in the event he can cure the defects in his claims under the Americans With Disabilities Act against the Pennsylvania Department of Corrections;

7. If Talley files an amended complaint, the Clerk shall not make service until so ordered; and,

8. The Clerk of Court shall **SEND** Talley a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the civil action number of this case. Talley may use this form to file his amended complaint.

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/s/TIMOTHY J. SAVAGE